

# HOUSE BILL REPORT

## ESSB 5991

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**As Reported by House Committee On:**  
Early Learning & Human Services

**Title:** An act relating to reporting child abuse or neglect.

**Brief Description:** Extending mandatory child abuse reporting requirements to specified employees of institutions of higher education.

**Sponsors:** Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl-Welles, Carrell, Tom, Hill, Hargrove, Conway, Haugen, Fraser, Litzow, Kline, Fain, Roach and Frockt).

**Brief History:**

**Committee Activity:**

Early Learning & Human Services: 2/20/12, 2/21/12 [DPA].

**Brief Summary of Engrossed Substitute Bill  
(As Amended by Committee)**

- Requires that any adult who has reasonable cause to believe that a child has suffered severe abuse or neglect must report such abuse or neglect to law enforcement or the Department of Social and Health Services (DSHS).
- Designates employees in administrative, academic, and athletic departments of state and private higher education institutions as mandatory reporters who must report to the DSHS or law enforcement if they have reasonable cause to believe that a child has suffered abuse or neglect.
- Requires employees of higher education institutions who are not mandatory reporters to immediately report suspected child abuse or neglect to the appropriate administrator or supervisor, who must report the incident to a mandatory reporter.
- Requires higher education institutions to ensure that employees have knowledge of their reporting responsibilities.
- Provides that the penalty for a mandatory reporter who knowingly fails to report is a misdemeanor.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

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## HOUSE COMMITTEE ON EARLY LEARNING & HUMAN SERVICES

**Majority Report:** Do pass as amended. Signed by 6 members: Representatives Kagi, Chair; Roberts, Vice Chair; Hope, Assistant Ranking Minority Member; Dickerson, Goodman and Orwall.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Walsh, Ranking Minority Member; Johnson and Overstreet.

**Staff:** Linda Merelle (786-7092).

### **Background:**

The earliest version of the mandatory reporting statute regarding children was enacted in 1965. At that time, any practitioner who had cause to believe that a child found to be suffering from physical neglect or sexual abuse was required to report those findings to law enforcement.

By 1991 the list of mandatory reporters had grown significantly to include professional school personnel, registered or licensed nurses, social service counselors, psychologists, pharmacists, licensed or certified child care providers and their employees, employees of the Department of Social and Health Services, and juvenile probation officers. In earlier versions of the statute, dependent adults and or persons with a developmental disability were also the subject of the mandatory reporting. However, requirements regarding these persons were re-codified into other statutes. The mandatory reporting requirement was triggered if the reporter had reasonable cause to believe that a child had suffered abuse or neglect.

"Abuse or neglect" is defined as: sexual abuse, sexual exploitation, injury to a child by a person under circumstances that cause harm to the child's health, welfare, or safety, or negligent treatment or maltreatment of a child by a person responsible for providing care to the child.

Over the past 20 years, the list of mandatory reporters has increased:

<i>Year</i>	<i>Mandatory Reporter Added</i>
1993	Adults who have reason to believe that a child who resides with them has suffered severe abuse; "severe abuse" is defined as "any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.
1995	County coroners, medical examiners, and law enforcement officers.

1996	Department of Corrections personnel who observe offenders or the children with whom offenders interact.
1997	State Family and Children's Ombudsman or any volunteer in the Ombudsman's Office.
1999	Placement and liaison specialists, responsible living skills program staff, and HOPE center staff.
2005	Official in a supervisory capacity for a nonprofit or for-profit organization where he or she regularly has reason to believe that a child has suffered abuse or neglect caused by a person over whom he or she exercises supervisor authority <i>and</i> the person is employed by, contacted by, or volunteers with the organization <i>and</i> the person coaches, trains, educates, or counsels children or regularly has unsupervised access to children as part of employment, contract or volunteer work; there is no reporting requirement if the official obtains information solely from a privileged communication.
2007	Employees of the Department of Early Learning.
2009	Guardians ad litem, including court-appointed special advocates.

In a 2009 study completed by the Washington State Institute for Public Policy (Institute), the Institute examined the number of reports pursuant to RCW 26.44.030. In a time period of just over two years, there were 96,656 reports to Child Protective Services for abuse or neglect. Of those reports, approximately 32,000 were made by non-mandatory reporters and these were the single largest group of reporters. The next largest group was educators, with approximately 17,000 reports, followed by social service professionals with just under 15,000 reports. Law enforcement had approximately 10,000 reports.

Persons who are mandatory reporters must report child abuse or neglect at the first opportunity but in no case longer than 48 hours after there is reasonable cause to believe the child has suffered abuse or neglect. Any mandatory reporter who knowingly fails to make a report may be found guilty of a gross misdemeanor, which carries a maximum sentence of 364 days in jail and a \$5,000 fine.

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**Summary of Amended Bill:**

Severe Abuse or Neglect.

The mandatory reporting requirement is expanded to apply to any adult not already expressly identified in statute who has reasonable cause to believe that a child has suffered "severe abuse or neglect," which is defined as:

- any act of abuse of sufficient severity that causes significant bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness;
- any act or acts of withholding basic necessities of life that create or cause imminent risk of substantial bodily harm; or

- any act of intentionally touching the sexual or other intimate parts of a child for the purpose of gratifying sexual desire.

#### Employees of Higher Education Institutions.

*Administrative, academic, and athletic departments.* Employees of state and private institutions of higher education who are in the administrative, academic, and athletic department are designated as mandatory reporters. They must report suspected child abuse or neglect if they have reasonable cause to believe that a child has suffered abuse or neglect. The report must be made to either law enforcement or the Department of Social and Health Services.

*All other employees.* All employees of higher education institutions who are not considered administrative, academic, or athletic department employees must report suspected child abuse or neglect immediately to the appropriate administrator or supervisor, as designated by the institution, if they have reasonable cause to believe a child has suffered abuse or neglect.

The administrator or supervisor to whom the report is made, if not already a mandatory reporter, must report the incident to a mandatory reporter designated by the institution to accept such reports.

*Knowledge of reporting responsibilities.* Higher education institutions must ensure that employees, whether mandated reporters or not, have knowledge of their reporting responsibilities through whatever means are most likely to succeed in providing this information to affected employees.

#### Penalty.

Any mandatory reporter who knowingly fails to make a report may be found guilty of a misdemeanor, which carries a maximum sentence of 90 days in jail and a \$1,000 fine.

#### **Amended Bill Compared to Engrossed Substitute Bill:**

The bill that was passed out of the committee added a new category of mandatory reporters. Included in the new category are adults who have reason to believe that a child has suffered severe abuse or neglect, which includes acts that would amount to criminal mistreatment or a sex offense.

The penalty for a mandatory reporter who knowingly fails to report is reduced from a gross misdemeanor offense to a misdemeanor offense.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Child abuse and neglect is a serious issue, and a threat to the youth of our state. It has a lifelong impact on a child and can never be reversed. The bill widens the spectrum of mandatory reporters and helps protect children who may experience such tragic events.

(Opposed) None.

**Persons Testifying:** Kelsey Leeper and Colin Carter, Legislative Youth Advisory Council.

**Persons Signed In To Testify But Not Testifying:** None.